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SECOND COMMITTEE

Algeria, Dahomey, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritius, Mauritania, Morocco, Senegal, Tunisia, Upper Volta and Zambia: draft articles on item 19. Régime of islands

Article I

1. An island is a vast naturally formed area of land, surrounded by water, which is above water at high tide.

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- 2. An islet is a smaller naturally formed area of land, surrounded by water, which is above water at high tide.
- 3. A rock is a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide.
- 4. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide.
 - 5. An island, islet, rock or a low-tide elevation are considered as adjacent when they are situated in proximity of the coasts of the State to which they belong.
 - 6. An island, islet, rock or a low-tide elevation are considered as non-adjacent when they are not situated in the proximity of the coasts of that State to which they belong.

Article II

- 1. The baselines applicable to adjacent islands, islets, rocks and low-tide elevations, in accordance with article I, are considered as the baselines applicable to the State to which they belong and consequently are used in the measurement of the marine spaces of that State.
- 2. The marine spaces of islands considered non-adjacent, in accordance with paragraphs 1 and 6, shall be delimited on the basis of relevant factors taking into account equitable criteria.

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- 3. These equitable criteria should notably relate to:
 - the size of these naturally formed areas of land;
 - their geographical configuration and their geological and geomorphological structure;
 - the needs and interests of the population living thereon;
 - the living conditions which prevent a permanent settlement of population;
 - whether these islands are situated on the continental shelf of another State or in the proximity of its marine space;
 - whether, due to their situation far from the coast, they may influence the equity of the delimitation.
- 4. A State cannot claim jurisdiction over the marine space by virtue of the sovereignty or control which it exercises over an islet, rock or low-tide elevation as defined in paragraphs 2, 3, 4 and 6 of article I.
- 5. In accordance with paragraph 4 of this article, safety zones of reasonable breadth may nevertheless be established around such islets, rocks or low-tide elevations.

Article III

- 1. In accordance with the provisions of article I, paragraph 6, and article II, paragraphs 2 and 3, the delimitation of the marine spaces between adjacent and/or apposite States must be done, in the case of presence of islands, by agreement between them according to principles of equity, the median or equidistance line not being the only method of delimitation.
- 2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all other special circumstances.

Article IV

- 1. The provisions of entitles I and II shall not apply either to insular or to archipelagic States.
- 2. A coastal State cannot claim rights based on the concept of archipelago or archipelagic waters by reason of its exercise of sovereignty or control over a group of islands situated off its coasts.

Article V

Concerning islands under colonial domination, racist régime or foreign occupation, the rights to the maritime spaces and to the resources thereof belong to the inhabitants of those islands and must profit only their own development.

No colonial or foreign or racist power which administers or occupies those islands shall exercise those rights, profit from them or in any way infringe upon them.



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- 3. These equitable criteria should notably relate to:
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 - their geographical configuration and their geological and geomorphological structure;
 - the needs and interests of the population living thereon;
 - the living conditions which prevent a permanent settlement of population;
 - whether these islands are situated within, or in the proximity of, the marine space of another State;
 - whether, due to their situation far from the coast, they may influence the equity of the delimitation.
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